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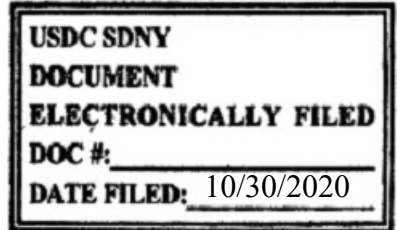
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(Not for Mailing)

October 30, 2020

Via ECF Only

Magistrate Judge Barbara C. Moses

Southern District of New York

MEMO ENDORSED

Re: Stanislaw Koczwara v. National General Ins. Co.

Docket No.: 20-CV-2579 (JGK)

Dear Hon. Barbara C. Moses:

The undersigned represents the Plaintiff in the above-referenced matter. On October 26, 2020, District Judge Koeltl executed a consent form referring the above-referenced matter to you for all purposes. Immediately prior thereto, the parties had raised an existing discovery dispute to Judge Koeltl who declined to address the issue advising that the matter should be brought to your attention. (attached as Exhibit A are the letters exchanged before Judge Koeltl, which are reflected on the court's docket as Document #'s 15-21) As such, please allow the following to serve as a brief explanation of the existing discovery dispute, and Plaintiff respectfully requests your immediate attention to this matter.

Specifically, for several months defense counsel was wholly unresponsive to Plaintiff's efforts to conduct defendant's deposition as noticed in May, and finally responded to Plaintiff's many attempts to schedule Defendant's deposition on October 21st. Defendant's deposition is now scheduled for November 23rd. Also on October 21st, Defendant for the first time – and nearly two months after the expiration of the fact discovery deadline - served Plaintiff with a notice of deposition, set of 29 document demands and 10 interrogatories. Plaintiff has rejected and objected to these demands as untimely and seeks a ruling from your Honor that counsel has waived discovery by failing to serve demands in a timely manner.

Additionally, the parties agree that, regardless of whether Plaintiff is required to respond to Defendant's demands, an extension of the discovery schedule is necessary because of Defendant's failure to proceed with depositions in a timely manner. Per the Court's May 8, 2020, Case Management Order the following schedule was to be adhered to:

- Fact Discovery to be completed by September 8, 2020 (on consent of all parties)
- Expert Disclosures to be completed by November 11, 2020
- All Discovery Completed by December 11, 2020
- Dispositive Motions by January 15, 2021

- Pretrial Orders/Motions in Limine by February 5, 2021
- Trial Ready by February 19, 2021

As Defendant's deposition is scheduled for November 23rd, it is impossible to comply with the above schedule. As such, the parties respectfully request that an extension of at least 60 days be granted for the discovery deadlines. Further, as stated above, Plaintiff requests that Defendant be precluded from serving any discovery demands or deposing Plaintiff, and that a protective order be issued with respect to the discovery demands Defendant only recently served.

Thank you very much for your time and attention to this matter.

Application DENIED AS MOOT. (*See* Dkt. No. 26.)
SO ORDERED.

A handwritten signature in blue ink, appearing to read "Barbara Moses", is written over a horizontal line.

Barbara Moses, U.S.M.J.
October 30, 2020

Respectfully,

A handwritten signature in black ink, appearing to read "Jack Glanzberg", is written over the typed name.

Jack Glanzberg, Esq.